

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY BOARD OF REAL
ESTATE APPRAISERS

IN THE MATTER OF THE LICENSE OF	:	
	:	Administrative Action
MENDEL O. HOFFER	:	
License # 42RC00226500	:	FINAL ORDER
	:	OF DISCIPLINE
TO ENGAGE IN THE PRACTICE OF	:	
REAL ESTATE APPRAISING IN	:	
THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey Board of Real Estate Appraisers (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

1. Mendel O. Hoffer ("Respondent") is a State Certified Residential Real Estate Appraiser, in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Pursuant to N.J.S.A. 45:14F-18 and N.J.A.C. 13:40A-5.3, all licensed and certified real estate appraisers are required to complete all continuing education requirements established by "The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria" promulgated by the Appraisal Qualifications Board of the Appraisal Foundation (the "AOB"). The AOB requirements are incorporated by reference in

the Board's regulations. For the two year period between January 1, 2010 and December 31, 2011, the AQB Qualification Criteria mandated that appraisers complete a minimum of twenty-eight (28) class hours of approved continuing education.

3. Pursuant to N.J.A.C. 13:40A-5.4, all licensed and certified appraisers are required to complete a seven hour National Update Course on the Uniform Standards of Professional Appraisal Practice ("USPAP"), or its equivalent, at least once every 24 months. The AQB Qualification Criteria similarly mandate that appraisers must successfully complete the seven hour USPAP Update Course, or its equivalent, every two calendar years.

4. Pursuant to N.J.A.C. 13:40A-5.8, licensees or certificate holders are required to maintain documentation for at least four years of continuing education hours completed in order to verify program attendance and/or activity completion.

5. On or about October 31, 2011, Respondent completed and submitted an online biennial license renewal form, for the period January 1, 2012 through December 31, 2013, and Respondent's license was then renewed through December 31, 2013.

6. Respondent was asked on the biennial renewal application whether Respondent "completed the continuing

education requirement during the past two years," referring to the biennial renewal period of January 1, 2010 through December 31, 2011. The renewal application included specific instructions regarding this question, which read:

As a condition of renewal, licensees are required to obtain at least 28 credit hours of approved continuing education for each biennial renewal period subsequent to licensure/certification or 14 hours of continuing education if initially licensed or certified in the first six months of the second year. If initially licensed or certified during the last six months of the second year, no continuing education is required. If you are exempt from this requirement for this renewal period only, please answer "yes" to this question. Credits may not be carried over to another renewal period.

Respondent answered "no" to the question.

7. Respondent was asked on the biennial renewal form whether Respondent successfully completed the seven hour National USPAP Update Course, or its equivalent, during the past two years, referring to the biennial period of January 1, 2010 through December 31, 2011. The renewal application included specific instructions regarding this question, which read:

As a condition of renewal, licensees must successfully complete the seven-hour National USPAP Update Course, or its equivalent, at a minimum of every two years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

Respondent answered "no" to this question.

8. Respondent certified, when submitting the renewal application, that all of the information on the renewal form was true and complete to the best of Respondent's knowledge, and acknowledged awareness that if any of the information submitted was willfully false, Respondent would be subject to punishment and/or disciplinary sanction to include license suspension or revocation or the imposition of civil penalties as provided by law.

9. After January 1, 2012, the Board commenced a continuing education audit, asking a random sampling of its licensees to submit documentation to verify completion of required continuing education. Respondent was selected for inclusion within the continuing education audit.

10. On or about February 22, 2012, all licensees selected for inclusion in the audit were sent a notice, by regular mail, addressed to the address of record that the licensee maintained with the Board, advising of the need to supply copies of documentation maintained to verify continuing education hours claimed.

11. Respondent initially replied to the audit by filling out a form listing twenty eight (28) hours of continuing education supposedly completed during the renewal period of

January 1, 2010 to December 31, 2011. Respondent signed that form under the following language:

I certify that the information entered on this form is true and complete to the best of my knowledge, and further acknowledge that if the above information is willfully false, I am subject to punishment and/or disciplinary sanction including license suspension/revocation or the imposition of civil penalties as may be provided by law.

Respondent signed and dated the form February 28, 2012, but did not supply any documentation verifying Respondent's completion of the continuing education listed. Respondent was called and informed that certificates of course completion were necessary to prove compliance. Respondent subsequently produced certificates which confirmed that twenty-one (21) hours of continuing education -- as opposed to twenty eight (28) hours as listed on the form -- were completed during the renewal period.

When Respondent signed the continuing education listing form on February 28, 2012, he certified that the seven hour course "How to Analyze & Value Income Properties" had been completed on December 28, 2011. The certificate of completion reveals that the actual date of the course was February 28, 2012, the same day the Respondent signed and certified that course had been completed in 2011.

CONCLUSIONS OF LAW

Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required twenty-eight (28) hours of approved continuing education for the two year period between January 1, 2010 and December 31, 2011. While Respondent was able to verify twenty-one (21) hours of approved continuing education, Respondent failed to demonstrate completion of seven (7) hours of required continuing education. The Board therefore found Respondent in violation of N.J.A.C. 13:40A-5.3, which in turn subjected Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and 45:1-21(h).

Respondent had since taken a seven hour course/seminar on February 28, 2012. Respondent applied that course/seminar to cure the continuing education deficiency of the January 1, 2010 to December 31, 2011 renewal period, thereby avoiding suspension of his license to practice, but may not also use that course/seminar to satisfy the continuing education requirements of the current period of January 1, 2012 to December 31, 2013.

The Board further found that Respondent falsely certified on the continuing education listing form that all information entered was true when the actual certificates of completion clearly indicated otherwise. By doing so, the Board found that

Respondent engaged in the use or employment of dishonesty, deception, or misrepresentation, and was therefore subject to sanction pursuant to N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline imposing a one thousand dollar (\$1,000) civil penalty was entered on December 20, 2012. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent timely replied to the Provisional Order and maintained that he had started the last continuing education course prior to the expiration of his license on December 31, 2011 and intended on finishing it prior to that date, but he did not do so and opted to take an extension of time to finish the course.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration as Respondent did not dispute the findings of fact or conclusions of law. Respondent failed to complete seven hours of continuing education within the appropriate time frame and provided false information on the continuing education listing form.

WHEREFORE, it is on this 27th day of February, 2013
ORDERED that:


1. Respondent is hereby assessed a civil penalty in the amount of one thousand dollars (\$1,000). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for providing false information on the continuing education listing form and certifying that information to be true; and five hundred dollars (\$500) for failing to complete 7 hours of required continuing education during the January 1, 2010 to December 31, 2011 renewal period.

Payment shall be made by certified check or money order payable to the State of New Jersey, delivered or mailed to Charles Kirk, Executive Director, State Board of Real Estate Appraisers, P.O. Box 45032, Newark, New Jersey 07101. Payment

shall be made no later than 15 days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. The seven hour course/seminar completed on February 28, 2012 entitled "How to Analyze & Value Income Properties" shall be applied to the January 1, 2010 to December 31, 2011 renewal period and shall not be used towards satisfaction of the continuing education requirements of the current period of January 1, 2012 to December 31, 2013. Respondent shall complete an additional twenty-eight (28) hours of continuing education prior to December 31, 2013 to satisfy the requirements of the current biennial period.

NEW JERSEY STATE REAL
ESTATE APPRAISER BOARD

By: 
John A. McCann
Board President